IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 23325 of 2007(B)

PETITIONER:

SHAILA.P., W/O.K.SIVADAS, AGED 35 YEARS,
ALACHANCODE, CHTTOOR COLLEGE P.O., PALAKKAD.
NOW WORKING AS HIGHER SECONDARY SCHOOL TEACHER
(GEOGRAPHY), GOVERNMENT HIGHER SECONDARY SCHOOL,
KUMARANALLOOR, PATTAMBY, PALAKKAD DISTRICT.

BY ADV. SRI.M.V.SABU
SRI.ALEXANDER JOSEPH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER
SECONDARY EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL, GOVERNMENT HIGHER
SECONDARY SCHOOL, KUMARANALLOOR, PATTAMBY,
PALAKKAD DISTRICT.

4. R.KRISHNADAS, HIGHER SECONDARY SCHOOL TEACHER
(GEOGRAPHY), GOVERNMENT HIGHER SECONDARY SCHOOL
KOTTAYI, PALAKKAD DISTRICT

5. SMT.USHA KUMARI.A.
HIGHER SECONDARY SCHOOL TEACHER(GEOGRAPHY)
GOVERNMENT HIGHER SECONDARY SCHOOL,
KIZHAKKANCHERRY, PALAKKAD DISTRICT
(Additional respondents 4 and 5 impleaded as per
order dated 1.8.07 in IA 10603/07)

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.SABU S.KALLARAMOOLA
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON 09/08/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the order dated 18.7.2007 of the 2nd respondent to the petitioner.

Ext.P2: True copy of the representation dated 28.7.07 to the 2nd respondent.

RESPONDENT'S EXHIBITS:

Ext.R5(a): True copy of the order dated 20.6.07 passed by the respondent no.2.

Ext.R5(b): True copy of the order dated 25.6.07 passed by the respondent no.2.

// True copy //

P.A. to judge

A.K.BASHEER, J.

W.P.(C)No.23325 OF 2007

Dated this the 9th day of August, 2007

JUDGMENT

Petitioner who is working as Higher Secondary School Teacher (Geography) in Government High School at Kumaranallur in Palakkad District impugns Ext.P1 order of transfer to the extent it directs her shifting from present station to Government Higher Secondary School, Velliyode in Kozhikode District. It is pointed out by the petitioner that she had been transferred to Kumaranallur only on November 23, 2005. She hails from Palakkad and her young daughter aged 3½ years is now studying in LKG class at Kumaranallur. Her mother is aged 70. She is sick and ailing and is under the care of the petitioner.

2. Grievance of the petitioner is that she has now been ordered to be shifted to a remote hilly area in Kozhikode District about 300 kms away. It is further submitted by the learned counsel that the inconvenience that has been caused to the petitioner and all others concerned could have been

avoided, if some slight adjustments had been made in the transfer of the teachers mentioned in Ext.P1. The case of the petitioner is that respondent no.4 who is at sl.no.2 in Ext.P1 order is due for promotion within two months. He is working now at Kottayi in Palakkad and he has now been ordered to be transferred to Kumaranallur where the petitioner is now working. There was no necessity to shift the petitioner from Kumaranallur to Kozhikode at this stage causing avoidable inconvenience. Learned counsel for respondent no.5 submits that the allegation made against her in the writ petition is not correct at all.

3. Anyhow, having heard learned counsel for the petitioner and learned counsel for respondent nos.4 and 5 also, I am satisfied that the contentions raised by the parties need not be considered at this stage, particularly in view of the impending promotion of respondent no.4.

Having regard to the peculiar facts and circumstances of the case, I am of the view that the grievance highlighted by the petitioner in Ext.P2 has to be considered by respondent

no.2. He shall take a decision in the matter keeping in view all the relevant aspects of the issue, particularly the impending promotion of respondent no.4; in which event the entire imbroglio can be resolved. Respondent no.2 shall take the decision within one month from the date of receipt of a copy of this judgment. Needless to mention that petitioner, respondent no.4 and 5 shall also be afforded sufficient opportunity to be heard before any decision is taken in the matter. Till such time, a decision is taken as directed above, status quo as on today as far as the petitioner is concerned shall be maintained.

A.K.BASHEER, JUDGE

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